

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**BENNIE D. GRAVES,**  
**Plaintiff,**

**V.**

**KENNETH J. GAMBLE, et al.,  
Defendants.**

**C.A. No. 21-344 Erie**

**District Judge Susan Paradise Baxter**  
**Magistrate Judge Richard A. Lanzillo**

# MEMORANDUM ORDER

Plaintiff Bennie D. Graves, an inmate incarcerated at the State Correctional Institution at Albion, Pennsylvania, initiated this civil rights action on December 13, 2021, by filing a motion to proceed *in forma pauperis* (“ifp motion”), accompanied by a *pro se* complaint against three Defendants: Erie County Prothonotary Kenneth J. Gamble; Deputy Prothonotary Kelly Malone; and Erie County Sheriff John Loomis (“Loomis”). This matter was referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.


On June 15, 2022, Judge Lanzillo issued a Magistrate Judge's Report and Recommendation ("R&R") recommending that Plaintiff's claims against Defendant Loomis be dismissed as legally frivolous, pursuant to 28 U.S.C. § 1915(e)(2), because Plaintiff has failed to state a claim against him upon which relief may be granted [ECF No. 6]. Plaintiff has since failed to file timely objections to the R&R.

After *de novo* review of the complaint and documents in this case, together with the

report and recommendation, the following order is entered:

AND NOW, this 14 day of July, 2022;

IT IS HEREBY ORDERED that Plaintiff's claims against Defendant John Loomis are DISMISSED, with prejudice, as legally frivolous pursuant to 28 U.S.C. § 1915(e)(2). The report and recommendation of Magistrate Judge Lanzillo, issued June 15, 2022 [ECF No. 6], is adopted as the opinion of the court. The Clerk is directed to terminate Defendant Loomis from this case.

  
SUSAN PARADISE BAXTER  
United States District Judge

cc: The Honorable Richard A. Lanzillo  
U.S. Magistrate Judge

all parties of record